REMARKS

In response to the Office Action mailed January 30, 2007, Applicants sincerely request reconsideration in view of the above claim amendments and the following remarks. Claims 1-30 are currently pending in the application and stand rejected. In response, claims 1, 17, 25, 26, 34, 40 and 41 have been amended, and claims 1-42 remain pending. No new matter is added.

Claim Rejections - 35 U.S.C. § 101

Claims 17-25 stand rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claim 17 has been amended, and Applicants respectfully submit that the amendments overcome this objection and add no new matter. Applicant respectfully submits that using the first and second procedure to manage the layout of graphical elements is a concrete, useful and tangible result. Accordingly, Applicant respectfully request withdrawal of this rejection of Claims 17-24.

Applicant respectfully traverses the rejection with respect to Claim 25. Applicant respectfully submits that the first and second flags stored in the data structure of Claim 25 and are used to trigger the measurement of an element, or the arrangement of an element is a concrete, useful and tangible result. Accordingly, Applicant respectfully request withdrawal of this rejection of Claim 25.

Claim Rejections – 35 U.S.C. § 102

Claims 1-10, 12-21 and 23-42 stand rejected under 35 U.S.C. 102(b) as being anticipated by Breinberg et al., U.S. Patent No. 5,886,694, (hereinafter *Breinberg*). Claims 1, 17, 25, 26, 34 and 40-42 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 1 recites a method of making ready for presentation a graphical element in a computer application program by communicating with a computer operating system comprising, *inter alia*, executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children and determines a size for the element based on an element type for the element when the element has no children.

Amended Claim 17 recites a set of executable procedures callable by a computer application program for making ready for presentation a graphical element, including, *inter alia*, a second procedure for arranging the element, wherein the second procedure at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children.

Amended Claim 25 recites a data structure for facilitating making ready for presentation a graphical element comprising, *inter alia*, a first value representing the desired size of the element, wherein the first value is determined at least by determining whether the element has one or more children and by an element type for the element.

Amended Claim 26 recites a system for making ready for presentation a graphical element comprising, *inter alia*, a first executable procedure using the data structure for measuring the element, wherein the first executable procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children.

Amended Claim 34 recites a computer-readable medium including computer-executable instructions facilitating making ready for presentation a graphical element in a system, computer-executable instructions executing the steps of, *inter alia*, calling a measuring procedure to measure the element, wherein the measuring procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children and calling an arranging procedure to arrange the element, wherein the arranging procedure at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children.

Amended Claim 40 recites a method for measuring for presentation a graphical element in a computer application program comprising, *inter alia*, causing a measuring function to provide a desired size result parameter for the element, using the available size parameter, wherein the measuring function at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children.

Amended Claim 41 recites a method for arranging for presentation a graphical element in a computer application program comprising, *inter alia*, causing an arranging function to provide a computed size parameter for the element, using the final size parameter, wherein the arranging function at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children.

Claim 42 recites a method for notifying that a first graphical element requires measurement for presentation in a computer application program comprising, *inter alia*, causing a notification function to notify a second graphical element of the first element's need to be measured, using the child parameter.

Breinberg discloses mechanism that allows a computer program having a graphical user interface (GUI) to display a window containing controls that are properly positioned and sized within the window. (*See Breinberg* column 4, lines 19-22.) The mechanism of *Breinberg* includes program code that divides a window into rectangular regions, and specifies a logical description of the relative positions of the controls and regions. (*See Breinberg* column 4, lines 22-25.) *Breinberg* also discloses program code that automatically determines the precise coordinates of each control, and positions the controls accordingly during execution of the computer program that is displaying the dialog window. (*See Breinberg* column 4, lines 25-29.)

In contrast with Claim 1, *Breinberg* fails to disclose executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not determine a size for an element based on whether the element has children. In addition, *Breinberg* does not utilize an element type when determining the size of an element. Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 1. Dependent Claims 2-12 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 2-16.

In contrast with Claim 17, *Breinberg* fails to disclose a second procedure for arranging the element, wherein the second procedure at least determines whether the element has one or

more children and performs internal arrangement functions on the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not determine whether an element has children in order to perform internal arrangement functions on an element when the element has no children. Accordingly, independent Claim 17 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 17. Dependent Claims 18-24 are also allowable at least for the reasons described above regarding independent Claim 17, and by virtue of their dependency upon independent Claim 17. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 18-24.

In contrast with Claim 25, *Breinberg* fails to disclose a first value representing the desired size of the element, wherein the first value is determined at least by determining whether the element has one or more children and by an element type for the element. While *Breinberg* may mention children, *Breinberg* does not disclose a first value determined based on whether the element has children. In addition, *Breinberg* does not utilize an element type when determining the first value. Accordingly, independent Claim 25 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 25.

In contrast with Claim 26, *Breinberg* fails to disclose a first executable procedure using the data structure for measuring the element, wherein the first executable procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not use a first executable procedure to determine a size for an element based on whether the element has children. In addition, *Breinberg* does not utilize an element type when determining the size of an element. Accordingly, independent Claim 26 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 26. Dependent Claims 27-31 are also allowable at least for the reasons described above regarding independent Claim 26, and by virtue of their dependency upon independent Claim 26. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 27-31.

In contrast with Claim 34, *Breinberg* fails to disclose calling a measuring procedure to measure the element, wherein the measuring procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children and calling an arranging procedure to arrange the element, wherein the arranging procedure at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not use a measuring procedure to determine a size for an element based on whether the element has children. *Breinberg* does not utilize an element type when determining the size of an element. In addition, *Breinberg* does not use an arranging procedure to determine whether an element has children in order to perform internal arrangement functions on an element when the element has no children. Accordingly, independent Claim 34 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 34. Dependent Claims 35-39 are also allowable at least for the reasons described above regarding independent Claim 34, and by virtue of their dependency upon independent Claim 34. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 35-39.

In contrast with Claim 40, *Breinberg* fails to disclose causing a measuring function to provide a desired size result parameter for the element, using the available size parameter, wherein the measuring function at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not use a measuring procedure to determine a size for an element based on whether the element has children. In addition, *Breinberg* does not utilize an element type when determining the size of an element. Accordingly, independent Claim 40 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 40.

In contrast with Claim 41, *Breinberg* fails to disclose causing an arranging function to provide a computed size parameter for the element, using the final size parameter, wherein the arranging function at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children. While *Breinberg* may mention children, *Breinberg* does not use an arranging function determine a computed size parameter for an element by determining whether an element has children in

order to perform internal arrangement functions on an element when the element has no children. Accordingly, independent Claim 41 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 41.

In contrast with Claim 42, *Breinberg* fails to disclose causing a notification function to notify a second graphical element of the first element's need to be measured, using the child parameter. While *Breinberg* may mention children, *Breinberg* does not notify a second graphical element of the first element's need to be measured, using the child parameter. *Breinberg* makes calls to an autolayout engine to determine internal dimensions of each frame, not a child parameter. In addition, *Breinberg* does not notify a second graphical element of the first element's need to be measured. Accordingly, independent Claim 42 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 42.

Claim Rejections – 35 U.S.C. § 103

Claims 11 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Breinberg* in view of Lupu ("*Lupu*", U.S. Publication 2004/0100480). Claims 1 has been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Lupu discloses a computer method and system for redirecting messages received from input devices, and may be used for redirecting input messages to applications that have had a window's output redirected. (*See Lupu* paragraph [0020].) *Lupu* discloses that when a redirected application is not aware of a change, a redirection host is responsible for propagating changes in the application's visible appearance on the screen. (*See Lupu* paragraph [0020].)

In contrast with Claim 1, the combination of *Breinberg* and *Lupu* fails to teach or suggest, executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children. Dependent Claim 11 depends from Claim 1 and is allowable over *Breinberg* at least for the reasons described above regarding independent Claim 1, and by virtue of its dependency upon independent Claim 1. *Lupu* does not determine a size for an element based on whether the

element has children. In addition, *Lupu* does not utilize an element type when determining the size of an element. Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited art. Dependent Claim 11 is allowable at least for the reasons described above regarding independent Claim 1, and by virtue of its dependency upon independent Claim 1. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claim 11.

In contrast with Claim 17, the combination of *Breinberg* and *Lupu* fails to teach or suggest a second procedure for arranging the element, wherein the second procedure at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children. Dependent Claim 22 depends from Claim 17 and is allowable over *Breinberg* at least for the reasons described above regarding independent Claim 17, and by virtue of its dependency upon independent Claim 17. *Lupu* does not determine whether an element has children in order to perform internal arrangement functions on an element when the element has no children. Accordingly, independent Claim 17 patentably distinguishes the present invention over the cited art. Dependent Claim 22 is allowable at least for the reasons described above regarding independent Claim 17, and by virtue of its dependency upon independent Claim 17. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claim 22.
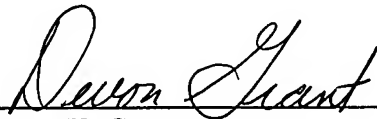
CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

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